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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,437	10/18/2001	Steve Brandstetter	P94-2	6647
7590	03/23/2010			
Philip M. Weiss WEISS & WEISS 300 OLD COUNTRY ROAD SUITE 251 MINEOLA, NY 11501			EXAMINER LEIVA, FRANK M	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 03/23/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/982,437	<b>Applicant(s)</b> BRANDSTETTER ET AL.
	<b>Examiner</b> FRANK M. LEIVA	<b>Art Unit</b> 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on *21 December 2009*.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 13 and 22-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 13 and 22-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date: \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Acknowledgements***

1. The examiner acknowledges remarks filed 21 December 2009 with no claim amended.

### ***Response to Arguments***

2. Applicant's arguments filed 21 December 2009 have been fully considered but they are not persuasive for the following reasons:
  3. Regarding the argument on page 3 of applicant's remarks; "*Hedrick does not teach that persons compete against each other on an interactive sign. Further, Hedrick does not teach that the machines are linked together. The Examiner cites to Col. 8, lines 15-39 to show that players play against each other.*" After reviewing Hedrick the examiner finds in column 16 lines 39-46 to cover tournament play where players play against one another.
  4. Regarding the argument on page 3 of applicant's remarks; "*Regarding claim 22; Hedrick discloses a wherein said interactive sign comprises an LCD screen where a player enters bonus play and competition is between a player playing said gaming machine and said bonusing event on said interactive sign, (16:36-44). The sections cited by the Examiner relates to communicating with casino attends and scheduling activities with a spouse. This is nothing to do with what is taught in Claim 22.*" Hedrick column 16 lines 39-44 read, "*Various secondary game features are known in the art. These include, for example, slot tournaments and bonusing schemes. Slot tournaments involve a group of gaming machine players competing against one another in a manner that allows the player or players with the highest score or scores to win additional rewards.*" The interactive sign having been mentioned earlier in the rejection (col. 4:1-16).
  5. Regarding the argument on page 4 of applicant's remarks; "*Regarding claim 23; Hedrick discloses a system for alerting a player when they are playing on said interactive sign, (4:6-14), casino service notification. Casino service notification which is pointed out by the Examiner relates to speaking to someone in the casino about something. This has nothing to do with alerting a player when they are playing on the interactive sign.*" Hedrick column 4 lines

6-14 read, "*The video content displayed on the secondary display may be, for example, a casino kiosk, television programming, primary game outcome information, player attraction material, video conferencing, casino service notification and combinations thereof. In a particularly preferred embodiment, the video content is a secondary game including a bonusing game or a bonusing component to a primary game. The bonusing component awards player with playing credits and/or increased jackpots.*" Emphasis added, the examiner fails to miss alerting the player of a bonus game when it is presented in the screen and awards are being presented on the screen. "Alerting" is simply the presentation of the game and the showing of the awards.

6. Regarding the argument on page 4 of applicant's remarks; "*Regarding claim 24; Hedrick discloses wherein a player operates said bonusing event from any of said gaming machines linked to said interactive sign, (16:40-44). For the reasons stated above for Claim 13, Claim 24 is not obvious over the prior art.*" No specific argument to respond to.

7. Regarding the argument on page 4 of applicant's remarks; "*Regarding claim 25; Hedrick discloses wherein said bonusing event comprises a wheel which has various monetary denominations, (2:29-31). Claim 25 requires a wheel which has various monetary denominations. The Examiner has pointed to a section which discusses how secondary information can be provided in a gaming machine with regards to utility meters and the section states that wheels or other simple mechanical indicators can be used. This has absolutely nothing to do with Claim 25, which relates to a wheel having various monetary denominations as a bonusing event.*" Claim 25 is dependent of claim 13 and in the rejection of claim 13 is described the usefulness and several embodiments of secondary displays, for which Hedrick column 2 lines 29-31 add the use of Wheels and other simple mechanical displays, with as much descriptive term as used by the instant application, and would be just as obvious to interpret as another embodiment of Hedrick.

8. Regarding the argument on page 5 of applicant's remarks; "*Regarding claim 27; Hedrick discloses wherein said bonusing event comprises a Ferris wheel that unloads coins when one of said linked gaming machines triggers said bonusing event, (23:27-47), the use of wheels as bonus instruments are disclosed and variations of them are a simple design choice.*" No specific argument to respond to.

9. Regarding the argument on page 5 of applicant's remarks; "*Claim 26 is rejected as being obvious over Hedrick and Tarantino as applied above and in view of Dote (US 5,221,083). Regarding claim 26, Hedrick and Tarantino combination discloses all the features of claim 13 including the bonusing event played on the LCD display, but fails to mention a one on one game with a dealer. Dote discloses wherein a player plays one on one with a casino dealer on said LCD screen, (fig. 2). It would have been obvious to create a linked blackjack tournament showing the dealer to make the game more attractive. The display of the one on one player vs. dealer game would have been a predictable result of displaying the last player standing on a Black Jack tournament. For the reasons stated-above for Claim 13, Claim 27 is not-anticipated or obvious over Hedrick.*" No specific argument to respond to.

10. Note: It is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record.

#### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 13, 22-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick et al. (US 6,368,216 B1) in view of Tarantino (US 6,656,047 B1).**

13. Regarding the analogous art; Hedrick discloses a system of linked gaming machines connected to a progressive and tournament system; Tarantino discloses a system of linked gaming machines that facilitates connection to a progressive display

and machines links for tournament play. Both inventions are related to gaming machine casino networks and tournament play.

**14. Regarding claim 13;** Hedrick discloses a gaming machine system comprising: at least two gaming machines linked together, said gaming machines linked to an interactive sign; said interactive sign comprising an LCD screen; said LCD screen displaying a bonusing event that players can enter in, (col. 19:17-27), wherein players playing said linked gaming machines who enter said bonusing event compete against each other, (col. 16:40-44), on said interactive sign, (8:15-63), machines link together, (8:56-63), LCD screen, (16:40-44), tournaments. Hedrick discloses tournament amongst players, (col. 16:40-44), but to be more explicit on the linking and display; Tarantino discloses gaming machines linked through a network to conduct player tournaments and progressive play, (abstract). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to use the already existing machine network link to facilitate a progressive link and player tournaments as taught by Tarantino in order to account for everyone's play during the tournaments.

**15. Regarding claim 22;** Hedrick discloses a wherein said interactive sign comprises an LCD screen where a player enters bonus play and competition is between a player playing said gaming machine and said bonusing event on said interactive sign, (16:36-44).

**16. Regarding claim 23;** Hedrick discloses a system for alerting a player when they are playing on said interactive sign, (4:6-14), casino service notification in combination with the playing of the bonus game.

**17. Regarding claim 24;** Hedrick discloses wherein a player operates said bonusing event from any of said gaming machines linked to said interactive sign, (16:40-44).

**18. Regarding claim 25;** Hedrick discloses wherein said bonusing event comprises a wheel which has various monetary denominations, (2:29-31).

**19. Regarding claim 27;** Hedrick discloses wherein said bonusing event comprises a Ferris wheel that unloads coins when one of said linked gaming machines triggers said bonusing event, (23:27-47), the use of wheels as bonus instruments are disclosed and variations of them are a simple design choice.

**20. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick and Tarantino as applied above and in view of Dote (US 5,221,083).**

**21. Regarding claim 26;** Hedrick and Tarantino combination discloses all the features of claim 13 including the bonusing event played on the LCD display, but fails to mention a one on one game with a dealer. Dote discloses wherein a player plays one on one with a casino dealer on said LCD screen, (fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to create a linked blackjack tournament showing the dealer to make the game more attractive. The display of the one on one player vs. dealer game would have been a predictable result of displaying the last player standing on a Black Jack tournament.

***Examiner's Note***

**22.** The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. *W.L. Gore & associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed .... "In re Fulton, 391 F.3d 1195, 1201,73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter D. Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art  
Unit 3714

FML  
03/18/2010.